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10-02-07

AF/3714
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Docket No. 403120)

In re the Application of:) **Customer No. 27717**
)
Harold Mattice)
)
Serial No.: 09/824,621) **Art Unit: 3714**
)
Filed: April 2, 2001) **Examiner: Corbett B. Coburn**
)
For: METHOD AND APPARATUS FOR)
CONTROLLING ACCESS TO AREAS OF)
GAMING MACHINES)

TO: MAIL STOP: Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Dear Sir:

This is the Appeal Brief on the Appeal filed September 4, 2007.

A check for the Appeal Brief filing fee of \$500.00 is enclosed. Please charge
Deposit Account No. 19-1351 of Seyfarth Shaw LLP for any added fees that may
required.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is IGT, a Nevada corporation, which is a
wholly owned subsidiary of International Game Technology, a Nevada corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings
known to appellant, the appellant's legal representative, or the assignee which may be

related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-8, 10 and 32-40 are rejected, and comprise claims on appeal.

Claims 9 and 11-31 are cancelled.

IV. STATUS OF AMENDMENTS

The last amendment, which includes the rejected claims on appeal, was filed subsequent to the final rejection, on September 11, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

As described in the specification, pp. 1-2, under "Background", gaming machines such as slot machines typically include a number of secure or locked areas which are accessible only to authorized personnel. Access to a given machine may be required from time to time by any of the number of different persons, for different purposes. Since most such personnel require access to fewer than all of the available secure areas of a machine, and since it is desired to limit access to machine areas as much as possible for security reasons, it is necessary to provide each such area with a separate lock.

In the prior art, locks for different areas of the gaming machines have been mechanical devices which are unlocked with a mechanical key. Thus, for any given machine, a number of different keys may be required, and it may be necessary to provide multiple copies of any one key for different personnel, who may require access to an area for different reasons, or who work different shifts, or the like. The existence of a large number of keys in circulation is an inherent security risk. Appellant has invented a system that selectively controls access to areas of a gaming machine, and

avoids the disadvantages of prior techniques while affording additional structural and operating advantages.

Referring to Fig. 2 of the drawings, independent claim 1 calls for an apparatus for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines 30 (p. 3, lines 16-17). A plurality of electrically operable lock mechanisms 40 are provided. Each of the lock mechanisms 40 are associated with one of the plurality of physical areas of each of the gaming machines (p. 8, lines 18-19). Each of the lock mechanisms is physically moveable between unlocked and locked conditions with respect to its associated area.

Control circuitry 21 is provided independent of the gaming machines. The control circuitry includes a processor 22 operating under control of a stored program and coupled to each of the lock mechanisms 40 via a communication link 28 for controlling operation of the lock mechanism 40 (p. 7, first paragraph; Fig. 2).

A data storage and retrieval system 23, 24 is adapted to communicate with the processor 22 (Fig. 2). The data storage and retrieval system includes a storage medium 23 for storing data including personnel identification data and access authorization data. The access authorization data is indicative of the gaming machines and the physical areas, if any, of each of the gaming machines for which a person seeking access to the gaming machines is authorized (p. 7, lines 1-6).

A data input device 26 is coupled to the processor 22 (p. 7, lines 6-10). The data input device 26 enables a person to input at least personnel identification data that identifies the person (p. 4, lines 3-5).

The processor 22 is operable to compare the personnel identification data inputted by the person with the personal identification data stored by the storage media. The stored personnel identification data authorizes access by certain identified personnel to certain designated gaming machines. The stored personnel identification data also authorizes access to a plurality, but not all of the physical areas of the designated gaming machines. The processor 22 is operable to cause the lock mechanisms 40 of the physical areas to move to the unlocked position. In this manner, access is allowed to those plurality of physical areas of the designated gaming machines when the personnel information data inputted by the person matches any of the personnel identification data stored by the storage media (p. 19, lines 8-17).

Independent claim 32 concerns a method of remotely selectively controlling access to a plurality of different, physical areas of a plurality of gaming machines 30 (p. 3, lines 16-17). Each of the plurality of physical areas is provided with an electrically operable lock mechanism 40 (p. 8, lines 18-19). Data is stored, including personnel identification data and access authorization data indicative of the particular gaming machines and the physical areas, if any, of the particular gaming machines for which a person seeking access to the gaming machines is authorized (p. 7, lines 1-6). The operation of the lock mechanism 40 is controlled via a processor 22 independent of the gaming machines. The processor is coupled to each lock mechanism 40 (Fig. 2; p. 19, lines 8-17).

Personnel identification information is input into a data input device 26 that identifies the person seeking access to a plurality of the physical areas of the plurality of gaming machines 30 (p. 4, lines 2-5). The inputted personnel identification data is

compared with the stored personnel identification data. When the inputted personal identification data matches any of the personnel identification data stored by the storage medium 23, a plurality of the lock mechanisms 40 are remotely unlocked. The lock mechanisms 40 which are unlocked are only those for the physical areas of the particular gaming machines for which the person seeking access is authorized (p. 19, lines 8-17).

Independent claim 37 concerns an apparatus for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines (p. 3, lines 16-17). A plurality of electrically operable lock mechanisms 40 are provided (Fig. 2). Each of the lock mechanisms 40 is associated with one of the physical areas of each of the gaming machines 30 (Fig. 2) and each lock mechanisms 40 is physically movable between unlock and locked conditions with respect to its associated area (p. 8, lines 18-19).

Control circuitry 21 independent of the gaming machines 30 is provided. The control circuitry 21 includes a processor 22 operating under control of a stored program and coupled to each of the lock mechanisms 40 via a communications link 28 for controlling operation of the lock mechanism 40 (p. 7, first paragraph).

A data storage and retrieval system 23, 24 is adapted to communicate with the processor 22 (Fig. 2). The data storage and retrieval system includes a storage medium 23 for storing data including personal identification data and access authorization data. The access authorization data is indicative of certain designated gaming machines and the physical areas, if any, of the designated gaming machines for which a person seeking access to the gaming machines is authorized (p. 7, lines 1-6).

The processor 22 is operable to compare personnel identification data inputted by a person into a data input device 26 with the personnel identification data stored by the storage medium that authorizes access. When the inputted personnel identification data matches any of the personnel identification data stored by the storage medium, the lock mechanisms 40 of the physical areas at each of the designated gaming machine 30 to which access is authorized will move to the unlock position to allow access to those physical areas (p. 19, lines 8-17).

Claims 38 and 39 are similar to each other and are dependent upon claims 1 and 32, respectively. Claim 38 recites that at least one of the lock mechanisms 40 includes a solenoid 125 having a plunger 126 (Figs. 13A-13B; spec. page 14, lines 6-19). Plunger 126 is moveable between a retracted position (Fig. 13B) when the solenoid 125 is energized to enable a mechanical key to be used to unlock the lock mechanism. When the solenoid 125 is de-energized, the plunger 126 moves to an extended position (Fig. 13A) to prevent the mechanical key from being used to unlock the lock mechanism.

Claim 40 is identical to claim 38, but is dependent upon independent claim 37.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-8, 10 and 32-40 are unpatentable under 35 U.S.C. §103(a) over Luciano et al. U.S. Patent 6,641,483 in view of Henry et al. U.S. Patent No. 5,774,058.

VII. ARGUMENT

A. THE REJECTION OF CLAIMS 1-8, 10 and 32-37 SHOULD BE REVERSED.

Claims 1-8, 10 and 32-40 were rejected as being unpatentable over Luciano et al. U.S. Patent No. 6,641,483 ("Luciano") in view of Henry et al. U.S. Patent No. 5,774,058 ("Henry"). This rejection is clearly erroneous and should be reversed.

Luciano concerns a key-lockable security cabinet for use with game controllers for operating gaming machines. Luciano discloses the type of prior art system that appellant's invention is intended to improve upon.

Luciano discloses a system in which various casino personnel need to access different portions and controls of the game controller at various times. To accommodate this, Luciano provides a number of rotary key switches (such as key switches 242, 245, 248 and 251 of Fig. 4) which are individually keyed (require a separate key to activate/deactivate the switch). See column 5, lines 50-53. Different persons are given different keys in which to operate the key switches which control access to specific areas.

This is exactly what is discussed in the "Background" of appellant's specification, and is the problem which appellant solved by the present invention. As pointed out in the "Background" section of the present application, pages 1-2, access to a given machine may be required by a number of different persons. Such different persons may require access to different areas of the machine. The prior art (including the Luciano reference) used mechanical locks which are unlocked with a mechanical key.

For a given machine, a number of different keys may be required and it may be necessary to provide multiple copies of any one key for different personnel.

The existence of a large number of keys in circulation is an inherent security risk. When access to a machine is required, much time is spent searching for the proper key. Each time an employee leaves the employee of a gaming establishment, the gaming machines or areas thereof to which the employee had access must be re-keyed.

All of these problems with mechanical locks and mechanical keys are present with the security cabinets disclosed in Luciano, except with respect to one sentence in the Luciano patent, near the end of the specification. In column 8, lines 18-21, Luciano states: "Other locks can be used than the cylinder type rotary key locks, with the electronic locks which use a code rather than a physical code can likewise be used." There is no other reference in the entire Luciano patent relating to "electronic locks" other than this single sentence. Luciano does not show or explain anything relating to the term "electronic locks." There is no disclosure in Luciano as to how an electronic lock could be implemented with the Luciano security cabinet or how an electronic lock could be substituted for the mechanical key lock, or what type of electronic lock would or could possibly be used. In short, Luciano merely mentions the term "electronic locks" without indicating in any manner how "electronic locks" could possibly be substituted for the mechanical key locks shown and described in the Luciano patent.

Recognizing that "Luciano fails to teach the details of the operation of electronic locks" (Office Action, p. 2), the Examiner has combined Luciano with Henry. Henry discloses a system for remotely accessing devices, such as safes, having programmable electronic locks. For example, safes in different locations, each having an electronic lock, can be accessed remotely from a central location so that a user remote from the location of the electronic lock can operate the lock. Henry's system

would be applicable to safe 1 having electronic lock 1 in bank 1, safe 2 having electronic lock 2 in bank 2, safe 3 having electronic lock 3 in bank 3, and a central computer, remote from banks 1, 2 and 3, enabling access to one or more of the safes from a remote location. Henry has nothing whatsoever to do with gaming machines or with controlling access to a plurality of physical areas of a plurality of gaming machines. In fact, Henry does not teach anything relating to a plurality of electronically operable lock mechanisms, each respectively associated with one of a plurality of physical areas of any machine. By contrast, Henry teaches a single programmable electronic lock per device; in other words, a single electronic lock at each different physical location. This is contrary to the disclosure of the present invention, in which each gaming machine has a plurality of electrically operable lock mechanisms, each of which is associated with one of the plurality of physical areas of the gaming machine.

The Examiner misconstrues the Henry reference on page 3 of the Office Action. For example, the Examiner states that in Henry there is “a storage medium for storing data including personnel identification data and access authorization data indicative of the areas if any, of the machine for which a person seeking access to the machine is authorized.” However, there is no disclosure in Henry of a person seeking access to **areas** of a machine. In Henry, each lockable device, for example, each safe, has only a single electronic lock enabling access to a single area only. There is nothing like the present invention in which various areas of a gaming machine can be accessed.

The Examiner further states on page 3 of the Office Action: “clearly, a user may access one or more physical areas (i.e., a plurality of physical areas) of the machine without having access to all areas.” This statement by the Examiner is incorrect and

totally without basis. Nowhere does Henry disclose, teach or suggest a user's access to one or more physical areas of a machine without having access to all areas. Everything in Henry points to a single lock per lockable device, not to anything resembling appellant's invention.

Now referring to claim 1 of the present application, the claim calls for an apparatus for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines. Luciano discloses a controller for a single gaming machine, with the controller located at the gaming machine. Luciano does not disclose apparatus for remotely controlling access to a plurality of physical areas of a plurality of gaming machines. Henry does not remedy this deficiency because Henry does not disclose remotely controlling access to a plurality of physical areas of a plurality of gaming machines. Henry discloses remotely controlling access to a single physical area of various lockable devices which are at various remote locations. Thus even the combination of Luciano and Henry does not show the preamble of claim 1.

Claim 1 also calls for a plurality of electronically operable lock mechanisms, each respectively associated with one of the plurality of physical areas of each of the gaming machines. While Luciano mentions the term "electronic locks" in column 8, line 19 of the Luciano patent, Luciano does not disclose the remote control of a number of gaming machines. Henry does not disclose a plurality of electrical locks, with each electrical lock associated with one or a plurality of physical areas of each lockable device. Instead, as stated above, Henry discloses a single electrical lock for each lockable device having a single area that is to be accessed.

Claim 1 also calls for control circuitry including a processor operating under control of a stored program, a data storage and retrieval system, and a data input device coupled to the processor. Luciano does not disclose any of this. The claims also state that access is authorized to certain designated gaming machines of the plurality of gaming machines and to a plurality, but not all, of the physical areas of the designated gaming machines. This clearly differentiates the present invention from the Henry disclosure, which is directed to a single area of various lockable devices which are separate from each other.

The claims have been carefully written to make it clear that, in the present invention, there is remote control access to a plurality of physical areas of each of a plurality of gaming machines. The claims also make it clear that certain identified personnel are authorized for access to certain designated gaming machines of the plurality of gaming machines and to a plurality, but not all, of the physical areas of the designated gaming machines. The Henry reference teaches away from this and the combination of Henry with Luciano does not form a proper basis for rejection of appellant's claims.

It appears that the Examiner has seized upon the term "electronic locks" found in column 8 of the Luciano patent and attempted to combine Luciano with Henry's remote access system that has nothing to do with the type of system that enables access to a plurality of areas of each of a plurality of gaming machines. Any attempt to combine Henry with Luciano uses tortured reasoning, based on a misconstruction of Henry, and fails to teach appellant's invention as claimed. In order to substitute Henry's electronic system for Luciano's mechanical lock system, a total reconstruction would be required

and would be contrary to the purpose of the Henry disclosure. There is no basis upon which to contend that it would have been obvious to combine Henry with Luciano because such combination is contrary to the teaches of Henry. Even if a significant reconstruction is devised, it would be based upon appellant's own disclosure and not upon the disclosure of the references themselves.

The foregoing arguments with respect to the impropriety of combining Luciano and Henry to claim 1 are also applicable to the impropriety of combining Luciano and Henry to claims 32 and 37, and their dependent claims.

B. THE REJECTION OF CLAIMS 38-40 SHOULD BE REVERSED.

Claims 38, 39 and 40 concern the Figs. 13A-13B embodiment in which the plunger of a solenoid is moveable between a retracted position when a solenoid is energized, to enable a mechanical key to be used to unlock the mechanism. When the solenoid is de-energized, the plunger is in an extended position to prevent the mechanical key from being used to unlock the lock mechanism.

In rejecting claims 38-40, the Examiner states on page 6 of the Office Action, that "Henry's lock has a solenoid with a plunger (see discussion of Fig. 5, 78) the plunger opens and closes to allow access." While reference numeral 78 on Fig. 5 of Henry refers to a solenoid, there is no disclosure in Henry of a solenoid plunger having a retracted position to enable a mechanical key to be used to unlock a lock mechanism, and an extended position (when the solenoid is de-energized) to prevent the mechanical key from being used to unlock the lock mechanism. The mere disclosure of a solenoid being operated to allow access is a far cry from the subject matter of claims 38-40.

In addition to the claims from which claims 38-40 depend being patentable, it is submitted that claims 38-40 are patentable for the additional reason set forth above.

VIII. CONCLUSION

Appellant has invented a novel apparatus and method for affording authorized persons access to secure areas of gaming machines. The claims have been carefully drafted to distinguish appellant's invention from the Luciano and Henry references, whether taken singly or in combination with each other. Even assuming that it were proper to combine Luciano and Henry, the combination would not teach appellant's invention as claimed. In any event, a combination of Luciano and Henry in the manner suggested by the Examiner is based on tortured and incorrect reasoning.

The rejections by the Examiner should be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

1. Apparatus for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines , the apparatus comprising:
 - a plurality of electrically operable lock mechanisms, each respectively associated with one of the plurality of physical areas of each of the gaming machines ;
 - each of said lock mechanisms being physically movable between unlocked and locked conditions with respect to its associated area;
 - control circuitry independent of the gaming machines, said control circuitry including a processor operating under control of a stored program and coupled to each of said lock mechanisms via a communications link for controlling operation thereof;
 - a data storage and retrieval system adapted to communicate with the processor and including a storage medium for storing data including personnel identification data and access authorization data indicative of the gaming machines and the physical areas, if any, of each of the gaming machines for which a person seeking access to the gaming machines is authorized; and
 - a data input device coupled to the processor, said data input device enabling a person to input at least personnel identification data that identifies the person ,
 - the processor being operable to compare said personnel identification data inputted by the person with said personnel identification data stored by said storage media that authorizes access by certain, identified personnel to certain designated gaming machines of the plurality of gaming machines and to a plurality, but not all, of said physical areas of said designated gaming machines, and cause the lock mechanisms of the plurality of physical areas to move to the unlocked position to allow access to those plurality of physical areas of the designated gaming machines when the

personnel identification data inputted by the person matches any of the personnel identification data stored by said storage medium.

2. The apparatus of claim 1, wherein the data input device includes a keypad.

3. The apparatus of claim 1, wherein the data input device includes a card reader, the data storage and retrieval system including a personal data card assigned to a person seeking access to the machine and readable by the card reader.

4. The apparatus of claim 3, wherein the data input device further includes a keypad.

5. The apparatus of claim 1, and further comprising one or more doors respectively associated with one or more areas and respectively provided with lock mechanisms, each door being movable between open and closed conditions.

6. The apparatus of claim 5, wherein each lock mechanism directly controls access to its associated area.

7. The apparatus of claim 5, wherein each door includes a manual latch, the lock mechanism for a door indirectly controlling access to the associated area by controlling enablement and disablement of the manual latch.

8. The apparatus of claim 5, and further comprising sensing apparatus for sensing the condition of each door and each lock mechanism.

10. The apparatus of claim 1, wherein at least one area includes a switch, the associated lock mechanism enabling and disabling the switch.

32. A method of remotely selectively controlling access to a plurality of different, physical areas of a plurality of gaming machines , the method comprising:

providing each of the plurality of physical areas with an electrically operable lock mechanism which is physically movable between unlocked and locked conditions;

storing data including personnel identification data and access authorization data indicative of the particular gaming machines and the physical areas, if any, of the particular gaming machines for which a person seeking access to the gaming machines is authorized;

controlling the operation of the lock mechanisms via a processor independent of the gaming machines, said processor being coupled to each lock mechanism;

inputting at least personnel identification information into a data input device that identifies a person seeking access to a plurality of said physical areas of the plurality of gaming machines;

comparing said inputted personnel identification data with at least said stored personnel identification data; and

remotely, electrically unlocking a plurality of the lock mechanisms of only those plurality of physical areas, less than all of said physical areas, of the particular gaming machines, for which the person seeking access is authorized when said inputted personnel identification data matches any of the personnel identification data stored by said storage medium.

33. The method of claim 32, wherein at least a portion of the data is stored on a personal data card assigned to a person seeking access to the machine, the inputting step including reading data from the personal data card at the machine.

34. The method of claim 32, and further comprising controlling the lock mechanisms from a remote location.

35. The method of claim 32, and further comprising providing one or more areas with doors movable between open and closed conditions and respectively provided with lock mechanisms, and monitoring the condition of each door and each lock mechanism and providing an indication thereof.

36. The method of claim 32, and further comprising providing a manual override key for each lock mechanism and providing an indication when a lock mechanism has been manually operated.

37. Apparatus for remotely selectively controlling access to a plurality of physical areas of a plurality of gaming machines, the apparatus comprising:

a plurality of electrically operable lock mechanisms, each respectively associated with one of the plurality of physical areas of each of the gaming machines and each lock mechanism physically movable between unlocked and locked conditions with respect to its associated area;

control circuitry independent of the gaming machines, said control circuitry including a processor operating under control of a stored program and coupled to each of the lock mechanisms of the gaming machines via a communications link for controlling operation thereof; and

a data storage and retrieval system adapted to communicate with the processor and including a storage medium for storing data including personnel identification data and access authorization data indicative of certain designated gaming machines and the physical areas, if any, of the designated gaming machines for which a person seeking access to the gaming machines is authorized;

the processor being operable to compare personnel identification data inputted by a person into a data input device with said personnel identification data stored by said storage medium that authorizes access by certain, identified personnel to at least one of the physical areas of each of the designated gaming machines, and cause the lock mechanisms of the physical areas at each of the designated gaming machines to which access is authorized to move to the unlocked position to allow access to those physical areas of the designated gaming machines when said inputted personnel identification data matches any of the personnel identification data stored by said storage medium.

38. The apparatus of claim 1, wherein at least one of the lock mechanisms includes a solenoid having a plunger, the plunger being moveable between a retracted position when the solenoid is energized to enable a mechanical key to be used to unlock said lock mechanism, and an extended position when the solenoid is de-energized to prevent the mechanical key from being used to unlock said lock mechanism.

39. The method of claim 32, which includes providing at least one of the lock mechanisms with a solenoid having a plunger, wherein the plunger is moveable between a retracted position when the solenoid is energized to enable a mechanical key to be used to unlock said lock mechanism, and an extended position when the solenoid is de-energized to prevent the mechanical key from being used to unlock said lock mechanism.

40. The apparatus of claim 37, which wherein at least one of the lock mechanisms includes a solenoid having a plunger, the plunger being moveable

between a retracted position when the solenoid is energized to enable a mechanical key to be used to unlock said lock mechanism, and an extended position when the solenoid is de-energized to prevent the mechanical key from being used to unlock said lock mechanism.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.